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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/549,768

09/11/2006

Ivan Greager

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EXAMINER

MCCAIG, BRIAN A

ART UNIT

PAPER NUMBER

1797

MAIL DATE

DELIVERY MODE

12/23/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/549,768	Applicant(s) GREAGER ET AL.	
	Examiner BRIAN MCCAIG	Art Unit 1797	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-72 is/are pending in the application.
- 4a) Of the above claim(s) 1-45 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 46-72 is/are rejected.
- 7) ☒ Claim(s) 51 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 September 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: _____ |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :December 23, 2005, and June 19, 2006.

DETAILED ACTION

Summary

1. This is the initial Office action based on the 10/549768 application filed September 11, 2006.
2. Cancellation of claims 1-45 is noted. Claims 46-72 are pending and have been fully considered.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 56 and 58. Also, the drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 52. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

4. Claim 51 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. In claim 48, the hydrocarbon condensate contains 10 to 30% by weight olefins whereas claim 51 recites that the hydrocarbon condensate contains less than 25% by weight olefins, which includes less than 10% as well.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. **Claims 46 and 50 are rejected under 35 U.S.C. 102(b) as anticipated by O'REAR ET AL (WO 01/64610 A1), hereafter referred to as O'REAR.**

7. With respect to claims 46 and 50, O'REAR discloses a process for producing linear alkyl benzene, the process including the steps of obtaining a hydrocarbon condensate containing olefins, paraffins and oxygenates from a low temperature Fischer-Tropsch (F-T) reaction using a cobalt catalyst [page 2, lines 11-13; page 4, lines 15-23; page 8, line 9] and

- a. fractionating a desired carbon number distribution from the hydrocarbon condensate to form a fractionated hydrocarbon condensate stream which is the product of a Fischer-Tropsch reaction [page 13, line 22 to page 14, line 5];
- b. extracting oxygenates from the fractionated hydrocarbon condensate stream from step (a) to form a stream containing olefins and paraffins which is the product of a Fischer-Tropsch reaction [page 2, lines 14-16];
- c. combining the stream containing olefins and paraffins from step (b), which is the product of a Fischer-Tropsch reaction, with the feed stream from step (g) to form a combined stream [page 33, lines 10-11];
- d. alkylating olefins in the combined stream from step (c) with benzene in the presence of a suitable alkylation catalyst in an alkylation reactor [page 29, line 30 to page 33, line 31];
- e. recovering linear alkyl benzene from the alkylation reactor [page 33, line 26];

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- f. recovering unreacted paraffins from the alkylation reactor [page 33, lines 10-11];
- g. dehydrogenating the unreacted paraffins in the presence of a suitable dehydrogenation catalyst to form a feed stream containing olefins and paraffins [page 30, lines 14-15]; and
- h. sending the feed stream containing olefins and paraffins from step (g) to step (c) [page 33, lines 10-11].

Claim Rejections - 35 USC § 102/103

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. **Claims 48-49, 51-57, and 71 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over O'REAR ET AL (WO 01/64610 A1), hereafter referred to as O'REAR.**

11. With respect to claims 48, 49 and 51, O'REAR discloses that the F-T reaction is carried in a slurry bed reactor at a temperature of 160-280° C (and, more particularly, 210-260° C) and in the presence of a cobalt catalyst to provide a hydrocarbon condensate [page 11, lines 7-12]. O'REAR does not appear to explicitly disclose that the hydrocarbon condensate contains 60 to 80% by weight paraffins and 10 to 30% by weight olefins, and, more particularly, less than 25% by weight. However, it is expected that such a requirement is inherent in the invention of

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O'REAR since the feed, the reaction conditions [page 11, lines 7-19], reaction vessel (slurry reactor), and catalyst (cobalt on an alumina support) are similar to those disclosed in the instant application.

12. Alternatively, it would have been obvious to one of ordinary skill in the art to modify any of the aforementioned variables to obtain a hydrocarbon condensate containing 60 to 80% by weight paraffins and 10 to 30% by weight olefins, and, more particularly, less than 25% by weight olefins, because the feed, reaction conditions, reaction vessel, and catalyst of O'REAR are similar to those disclosed in the instant application, and it has been held that the provision of adjustability of variables or parameters, where needed, involves routine skill in the art. *In re Stevens*, 101 USPQ 284 (CCPA 1954).

13. With respect to claims 52-54, O'REAR does not appear to explicitly disclose that the olefins in the hydrocarbon condensate have the required linearity. However, it is expected that such a requirement is inherent in the invention of O'REAR since the feed, the reaction conditions, reaction vessel, and catalyst are similar to those disclosed in the instant application.

14. Alternatively, since the reaction conditions, reaction vessel, and catalyst of O'REAR are similar to those disclosed in the instant application, it would have been obvious to one of ordinary skill in the art to modify any of the aforementioned variables to obtain a hydrocarbon condensate with the required linearity, since it has been held that the provision of adjustability of variables or parameters, where needed, involves routine skill in the art. *In re Stevens*, 101 USPQ 284 (CCPA 1954).

15. With respect to claims 55-57, O'REAR discloses that the hydrocarbon condensate is fractionated in step a) into the C₉-C₂₆ range [page 15, paragraph 1 & page 30, paragraph 1]. O'REAR does not appear to explicitly disclose that the fractionated hydrocarbon product contains 10 to 30% by weight olefins with a degree of linearity greater than 92%. However, as previously discussed, it is expected that such a requirement is inherent in the invention of O'REAR since the feed, reaction conditions, reaction vessel, and catalyst are similar to those disclosed in the instant application.

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16. Alternatively, since the feed, reaction conditions, reaction vessel, and catalyst of O'REAR are similar to those disclosed in the instant application, it would have been obvious to one of ordinary skill in the art to modify any of the aforementioned variables to obtain a hydrocarbon condensate with the required linearity and olefin concentration, since it has been held that the provision of adjustability of variables or parameters, where needed, involves routine skill in the art. *In re Stevens*, 101 USPQ 284 (CCPA 1954).

17. With respect to claim 71, O'REAR does not appear to explicitly disclose that the dehydrogenation reaction is carried out at a conversion rate of 10 to 15%. However, it would have been obvious to one of ordinary skill in the art to specify a conversion rate of dehydrogenation. It is expected that the conversion in O'REAR will also be in the range claimed since the reaction conditions, reaction vessel, and catalyst are similar to those disclosed in the instant application [page 31, paragraph 2 to page 32, paragraph 1].

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. **Claims 47, 58-70, and 72 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'REAR ET AL (WO 01/64610 A1) in view of BECKER (DE 19911910 A1) and DE WET ET AL (WO 02/31085 A2), hereafter referred to as O'REAR, BECKER, and DE WET, respectively.**

20. Since BECKER is equivalent to the Republic of South Africa application No. 2000129, which is in the English translation, the Examiner will reference that application as the disclosure of the DE 19911910 A1 patent.

21. With respect to claims 47, 58-61, and 64-70, O'REAR discloses that the hydrocarbon condensate is treated by extraction to remove oxygenates and other by-products of a F-T synthesis. O'REAR does not appear to explicitly disclose that a light solvent comprising methanol and water is used in the extraction; that the water concentration is

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more than 3% by weight, more particularly between 5 and 15% by weight; the concentration of olefins and paraffins and oxygenates in the feed and exit streams to a stripper column, recovery rates of olefins and paraffins, or that the olefin/paraffin ratio is preserved in the extraction.

22. However, BECKER, which is concerned with a process for separating oxygenates from a hydrocarbon flow, discloses a liquid/liquid extraction process using a light solvent comprised of methanol and water [page 1, paragraph 1 & page 2, paragraph 5]. BECKER does not appear to explicitly disclose that the water concentration in the light solvent is more than 3% by weight, and more particularly between 5 and 15% by weight.

23. However, DE WET, which is concerned with the separation of oxygenates from hydrocarbons, discloses an extraction system using a light polar solvent, although not specifically methanol, comprising water in a concentration less than 19%.

24. At the time of the invention, it would have been obvious to one of ordinary skill in the art to have modified the process of BECKER with the solvent content of DE WET because such an amount is effective in the extracting process. Furthermore, it would have been obvious to one of ordinary skill in the art to modify the process of DE WET with the solvent components of BECKER including methanol because the solvents are inert relative to the oxygenates, thermally stable, have a sufficiently low freezing point, and have negligible effect on utility of the product as explained by BECKER [page 2, paragraph 7]. Additionally, at the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the process of O'REAR with the extraction process of modified BECKER because the process is simple and removes oxygenates from the largest possible spectrum of hydrocarbons as disclosed by BECKER [page 2, paragraph 3]. Alternatively, it would have been obvious to one of ordinary skill in the art to modify the process of O'REAR with the extraction process of modified DE WET since O'REAR discloses the necessity of separating oxygenates from a hydrocarbon condensate [page 2, lines 14-16] and DE WET is an obvious choice since the hydrocarbons fractions being separated are similar to that of O'REAR [page 5, paragraph 5 of DE WET] and the hydrocarbons and oxygenates are formed under similar F-T conditions [page 1, paragraph 2 of DE WET].

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25. None of the prior art references appear to explicitly disclose the concentration of olefins/paraffins and oxygenates in the feed and exit streams to a stripper column, recovery rates of olefins and paraffins, or the preservation of the olefin/paraffin ratio in the extraction process. However, it is expected that the process of modified O'REAR has the required limitations since the F-T feedstock and extraction process is similar to that disclosed in the instant application. That is, since the extraction process of modified BECKER is essentially the same as the claimed process (similar solvents, similar F-T hydrocarbon fractions, and similar solvent to feed ratios), it is expected that the concentration of olefins/paraffins and oxygenates in the feed and exit streams to a stripper column, the recovery rates of olefins and paraffins, and the olefin/paraffin ratio will meet the limitations recited in the instant application.

26. With respect to claims 62 and 63, reference is made to the preceding discussion of modified O'REAR. In addition, DE WET discloses that the tops product from a solvent recovery column comprising a polar solvent (in this case, the methanol/water combination of modified DE WET) and olefins/paraffins is recycled back to the extraction column [reference element 40, figure 1; page 8, paragraph 1].

27. Similarly, BECKER discloses that the tops product (gas flow) from a solvent regeneration column [reference element 9, figure 3] comprising a polar solvent and olefins/paraffins is recycled back to the extraction column [via reference elements 2, 12, 14, and 16 in figure 3; page 6, paragraph 3 to page 7, paragraph 1]. Furthermore, since the gas flow [reference element 12, figure 3] contains solvent and hydrocarbons, which is recycled to the extraction column, it is also analogous to the bottoms product of the solvent recovery column in the instant application. While there may be a slight difference in the operating conditions of the solvent recovery column between BECKER and the instant application, the applicant is reminded that if the prior art device, in its normal and usual operation, would necessarily perform the method claimed, then the method claimed will be considered to be anticipated by the prior art device. When the prior art device is the same as a device described in the specification for carrying out the claimed method, it can be assumed the device will inherently perform the claimed process. *In re King*, 231 USPQ 136. In this case, the claim requires recycling a distillation bottoms product comprising water, oxygenate, and olefins/paraffins of which most of the olefins/paraffins and oxygenates are subsequently decanted leaving water

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(solvent) to be recycled. BECKER discloses a gas flow comprising solvent gas comprising water and hydrocarbons (olefins/paraffins), which are subsequently decanted leaving the solvent gas comprising water to be recycled.

Conclusion

28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN MCCAIG whose telephone number is (571) 270-5548. The examiner can normally be reached on M-F 8-430.

29. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Caldarola can be reached on (571) 272-1444. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

30. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BAM
12/11/2008

/Glenn A Caldarola/
Acting SPE of Art Unit 1797